

**AN ORDINANCE  
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE KINGSTON TOWNHOMES HOUSING  
ENTERPRISE ZONE AND FOR OTHER PURPOSES**

**WHEREAS**, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS**, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS**, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for commercial purposes if certain conditions are met; and

**WHEREAS**, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

**WHEREAS**, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS**, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS**, the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS**, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS**, the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the Kingston Townhomes Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the Kingston Townhomes area is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the Kingston Townhomes area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be

provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

**Section 2:** The Kingston Townhomes Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Kingston Townhomes Housing Enterprise Zone shall be abolished on December 31, 2011. The Kingston Townhomes Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Kingston Townhomes Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3:** Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

**Section 4:** The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of The Kingston Townhomes Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

**Section 5:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**2000 HUD AFFORDABILITY TABLE**  
**STANDARD RENT RANGES/MAXIMUM SALE PRICE**  
**(FAMILY SIZE ADJUSTMENT)**

<b>FAMILY SIZE (% OF BASE)</b>	<b>INCOME ADJUSTMENT</b>	<b>LIVING ACOMODATIONS EXPENSE (&lt;30%)</b>	<b>MAXIMUM RENTS</b>	<b>FOR SALE 3x's RULE</b>
1 PERSON (70%)	\$26,502	\$7,951	\$662	\$79,506
2 PERSONS (80%)	\$30,288	\$9,086	\$757	\$90,864
3 PERSONS (90%)	\$34,704	\$10,411	\$867	\$104,112
4 PERSONS - BASE	\$37,860	\$11,358	\$946	\$113,580
5 PERSONS (108%)	\$40,888	\$12,266	\$1,022	\$122,664
6 PERSONS (116%)	\$43,917	\$13,175	\$1,097	\$131,751
7 PERSONS (124%)	\$46,946	\$14,083	\$1,173	\$140,838
8 PERSONS (132%)	\$49,975	\$14,992	\$1,249	\$149,925
<b>ASSUMPTIONS:</b> <ul style="list-style-type: none"> <li>• Median Income \$63,100 - SMSA</li> <li>• Rent Range Is Determined By The Number Of Rooms Per Unit And The Atlanta Housing Code Maximum Allowable Persons Per Room -2; i.e. A Two-Bedroom Apartment Unit Could Not House More Than A Four Person Household.</li> </ul>				<b>Maximum Sale Price: (2.2 Rule)</b> <b>\$138,820</b>

**KINGSTON TOWNHOMES  
HOUSING ENTERPRISE ZONES  
LEGAL DESCRIPTION**

**EXHIBIT "A"**

**ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lot 61 of the 14<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

**BEGINNING** at an iron pin found on the northerly right-of-way line of Mt. Zion Road (a 40 foot right-of-way) said iron pin being located 320.20 feet east of the intersection of the easterly right-of-way line of Macon Drive (a 40 foot-of-way) and the northerly right-of-way line of Mt. Zion Road, as measured along the northerly right-of-way line of Mt. Zion Road; thence leaving said right-of-way line and running north 02 degrees 18 minutes 03 seconds west a distance of 232.55 feet to an iron pin found; thence running north 00 degrees 15 minutes 25 seconds east a distance of 210.08 feet to an iron pin found; thence running north 01 degrees 35 minutes 07 seconds east a distance of 139.90 feet to an iron pin found; then running south 88 degrees 39 minutes 54 seconds east a distance of 272.00 feet to a point; thence running south 00 degrees 30 minutes 00 seconds east a distance of 560.14 feet to a point on the northerly right-of-way of Mt. Zion Road; then running west along the northerly edge of such right-of-way south 86 degrees 40 minutes 21 seconds west a distance of 272.75 feet to the **POINT OF BEGINNING**.

Such property being shown on that certain ALTA/ACSM Survey for Kingston-Mount Zion Associates, Quantum Bank and Chicago Title Insurance Company, dated December 4, 1998, prepared by East Metro Surveyors & Engineers, Inc., and bearing the certification of E.G. Davis, GRLS No. 2363.

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**KINGSTON TOWNHOMES  
HOUSING ENTERPRISE ZONES  
LOCATION MAP**

SPRING

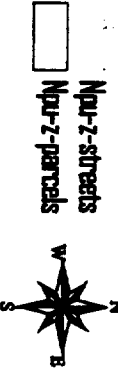
MACON

SPRINGCREEK

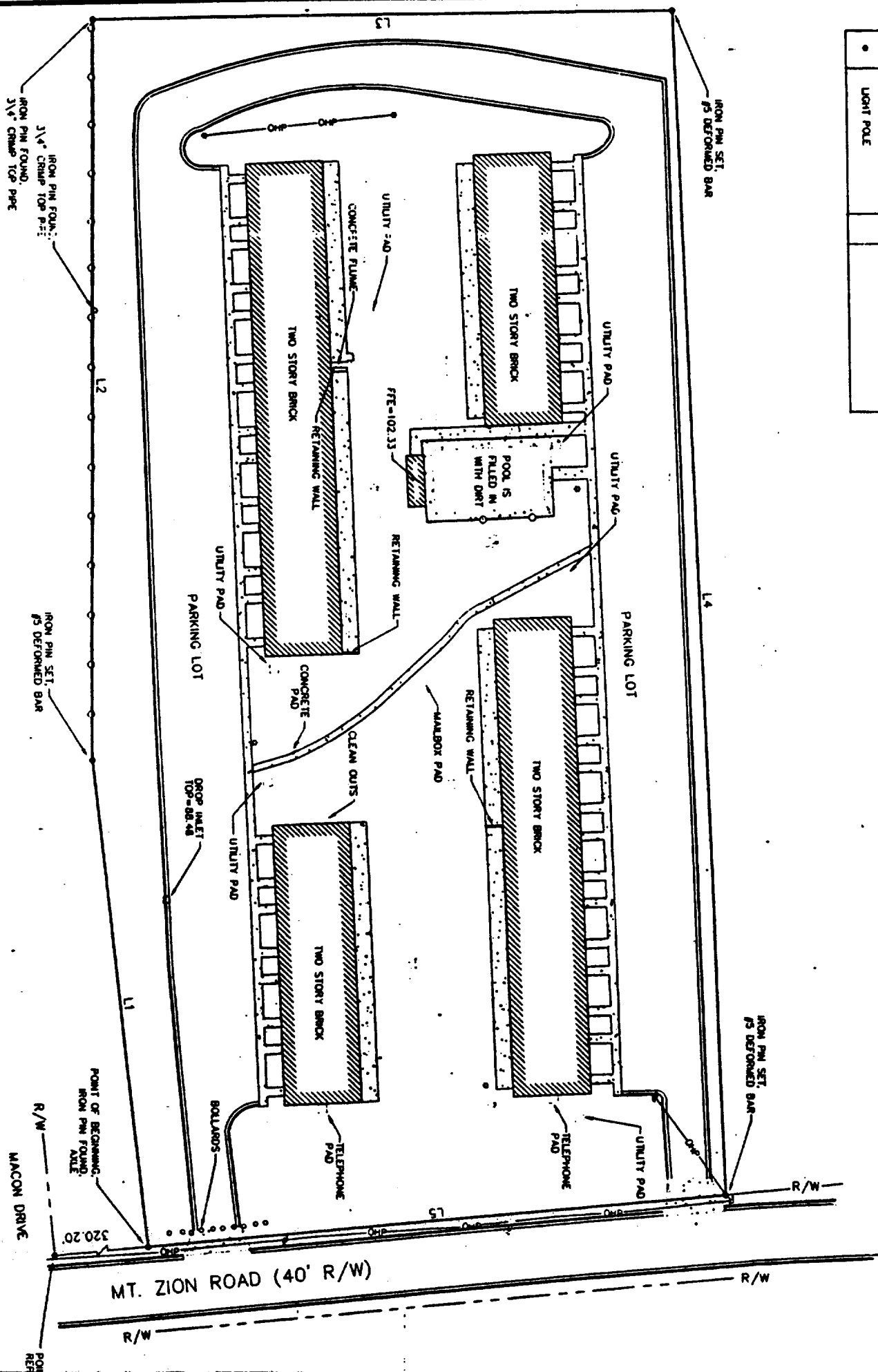
BROWNS MILL

MT ZION

KINGSTON TOWNHOMES



CONCRETE			
LIGHT POLE			



MT. ZION ROAD (40' R/W)

MACON DRIVE

POINT OF BEGINNING  
IRON PIN FOUND  
AGE

320.20'

R/W

R/W

R/W

IRON PIN SET,  
#5 DEFORMED BAR

IRON PIN SET,  
#5 DEFORMED BAR

IRON PIN FOUND,  
3/4" CRIMP TOP PIPE

IRON PIN SET,  
#5 DEFORMED BAR

R/W

POINT OF BEGINNING

## EVALUATION OF THE KINGSTON TOWNHOMES HOUSING ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
1. Census Tract Eligibility	One of designated Census Tract block groups	Census Tract 73 (B. G. 3)	√
2. Acreage	NONE	3.62 acres	√
3. CDP Consistency	CDP Land Use Classification: Low Density Residential F.A.R 0.0 - .349	F.A.R. .320	√
4. Zoning Compliance	Current Zoning Classification: RG-2	RG-2	√
5. Project Specificity	Project Specific Zone or ≥ 50% of Areawide Zone	Project Specific	√
6. Project Readiness	≥ 30% of Units to be Initiated in Year 1	100% of the total 44 units will be completed within Year 1.	√
7. Non-Displacement	Minimum Displacement	None	√
10. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact: e. negative cash flow, or f. debt coverage ratio <1.20, or e. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	TBD	TBD

March 5, 2001

CITY OF ATLANTA DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION  
BUREAU OF PLANNING  
CYCLE101CHECKLIST



## CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308

404-330-6145 • FAX: 404-658-7491

BILL CAMPBELL  
MAYOR

MICHAEL A. DOBBINS  
Commissioner

TIM POLK  
Deputy Commissioner

ROBERT C. GRAY  
Director

Bureau of Planning

February 23, 2001

Steve DeFrancis and Robin Delmer  
Capitol Development Group LLC  
1261 Glenwood Avenue  
Atlanta, GA 30312

Dear Mr. DeFrancis:

We have received your application for designation of The Kingston Townhome Apartments as a housing enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit Z on Monday, March 26, 2000 at 7:30 p.m. at the Southeast Recreation Center, located at 365 Cleveland Ave., SW. The chair of NPU - Z is Mrs. Rosel Fann and she can be reached at (404) 622-4066. Please be present at the NPU - Z meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Tuesday, May 8, 2001 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Robert Gray at (404) 330-6328 or Sara Wade Hicks at (404) 330-6728.

Sincerely,

A handwritten signature in cursive script that reads "Robert Gray".  
Robert Gray

xc: Michael A. Dobbins  
Tim Polk  
Sara Wade Hicks

## TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon/Wanda McCoy  
(For review & distribution to Executive Management)

Commissioner Signature  Director Signature   
Department of Planning Bureau of Planning

From: Originating Dept. Department of Planning, Development and  
Neighborhood Conservation

Contact (name) Robert Gray

Committee(s) of Purview: Community Development / Human Resources

Committee Meeting Date (s) 3/28 CD, 5/8 Public hearing  
5/16 CD

Committee Deadline 3/16  
City Council Meeting Date 4/2 & 5/21

### CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN  
RESOURCES COMMITTEE TO CREATE THE KINGSTON TOWNHOMES  
HOUSING ENTERPRISE ZONE AND FOR OTHER PURPOSES


### BACKGROUND/PURPOSE/DISCUSSION:

Capitol Development Group, LLC proposes to rehabilitate a 44-unit rental complex that is currently 60% occupied. It is located in NPU-Z, Council District 12. The proposed project is expected to be a condominium conversion with renovations to the interior and exterior of the units. The sale cost for the condominiums will be \$95,000 per unit. Total development cost is approximately \$4 million dollars. Funding sources include SunTrust Bank and ADA's Housing Impact Fund. The proposed development will be marketed to low-to-moderate income families, with incomes that do not exceed 60% of the Atlanta Area Median Income.

### FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only

Received by Mayor's Office: 3/13/07 Reviewed:   
Date Initials Date

Submitted to Council: \_\_\_\_\_  
Date

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended  
☐ Substitute ☐ Referred ☐ Other